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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON EDWARD THOMAS CARDIFF,

Defendant.

No. 5:23-CR-00021-JGB

**OPPOSITION TO JASON CARDIFF'S EX
PARTE APPLICATION TO CONTINUE
TRIAL DATE TO JULY 2025**

Plaintiff United States of America, by and through its counsel
of record, the Consumer Protection Branch of the United States
Department of Justice and Trial Attorney Manu J. Sebastian, and the
United States Attorney for the Central District of California and

1 Assistant United States Attorney Valerie L. Makarewicz, oppose the ex
2 parte application for an order continuing the trial date to July 2025
3 made by defendant, Jason Edward Thomas Cardiff.

4 Defendant was indicted in January of 2023 and arrested in
5 November of 2023. Dkts. 1, 7. Trial was initially scheduled for
6 January 23, 2024. Dkt. 7. Prior to this ex parte application,
7 Defendant has requested and the government has agreed to four
8 continuances so that Defendant could prepare his defense. Dkts. 39,
9 41, 76, 101. At the October 21, 2024 hearing, when asked if the case
10 will go to trial on the current schedule, Defense counsel stated to
11 the Court that he would be ready to go to trial on February 4, 2025.

12 To date, Defendant has filed five motions to dismiss using
13 documentation from the discovery that was produced to him. Dkts. 45,
14 52-58, 69, 73-74, 106-107, 112, 114-115, 117-120, 134-137. These
15 motions, the hundreds of pages of exhibits summarized within the
16 motions, Defendant's declarations, and Defendant's attorney's
17 declarations evidence a thorough review of the discovery in this
18 case. *Id.*

19 Defendant's current counsel represented the Defendant in his
20 civil litigation with the FTC beginning at least as early as 2020.¹
21 Counsel is familiar with the discovery in this case as the vast
22 majority of the discovery consists of material produced in the FTC
23 investigation and litigation. Moreover, Attorney Cochell is not only
24 familiar with the substance of the prior civil litigation, but he has
25 had access to the criminal discovery in this matter since December

26 ¹ Attorney Cochell has been part of the FTC litigation since at
27 least January of 2020. See *FTC v. Jason Cardiff, et al.*, No. 5:18-cv-
28 2104, Dkts. 253, 259.

2023. Dkt. 27. Per the Defendant's request, the government agreed to allow Attorney Cochell to be a part of the Defense Team as defined in the stipulation for protective order to assist the Defendant in reviewing the discovery and preparing for trial. *Id.*; see also Ex. 1, December 12, 2023 Email re Protective Order. Defendant and Attorney Cochell were specifically notified in December of 2023 of many of the key documents the government intends to use in its case in chief.² Ex. 2, December 27, 2023 Production Letter.

Importantly, Defendant's victims have been waiting for justice since 2018. The delay in scheduling defendant's trial continues to delay justice to all of the victims of his offenses, including the victim witnesses that have been prepared to testify at trial for the past year.

Accordingly, the government requests the Court deny the defendant's *ex parte* application for an order continuing the trial date to July 2025 or in the alternative, order a much shorter continuance.

Dated: December 5, 2024

Respectfully submitted,

AMANDA N. LISKAMM
Director
Consumer Protection Branch

E. MARTIN ESTRADA
United States Attorney

/s/

MANU J. SEBASTIAN
Trial Attorney
VALERIE L. MAKAREWICZ
Assistant United States Attorney

² Many of these documents are the Defendant's own documents that were turned over to the FTC by the Defendant in response to the Civil Investigative Demand issued in August of 2017.